

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT  
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS  
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

February 18, 2004

The Board of Supervisors met in special session on February 18, 2004, at 1:30 p.m.

Present: Chip Davis, Chairman; Gheral Brownlow, Vice Chairman; Lorna Street, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney/Assistant County Administrator.

ITEM NO. 1. Meet with Presiding Judge of Superior Court Robert Brutinel to discuss the felony caseload process. Participating in discussion of this item were Superior Court Administrator Debi Schaefer, Prescott Justice of the Peace Arthur Markham, County Attorney Sheila Polk, Sheriff Buck Buchanan, Clerk of Superior Court Jeanne Hicks, and Public Defender Dan DeRienzo.

Judge Brutinel said he had become involved in this issue as a result of the habeas lawsuit filed by the Public Defender, that when the lawsuit was filed there were 600 inmates in a jail designed to hold only half that number, and that because of the Memorandum of Understanding that resulted from the lawsuit the parties involved had been able to reduce the number of inmates to about 400 within a short time. He said it was apparent to him that the criminal justice system in Yavapai County was not working well and needed repair, but that it was also clear that the departments involved in the system could work together to obtain results. Judge Brutinel told the Board that everyone said they were working very hard, and that he knew many people were working weekends. He said the system was being managed by delaying the handling of cases and that Mr. Holst had asked him to find a way to speed up the time it takes the courts to settle cases. Judge Brutinel said he had met with everyone involved and that he believed the result was a proposed system that everyone agreed might work. He provided the Board members with an outline of the proposal, saying that the process was based on the early disposition court system in Maricopa County. He said that nearly every case in Maricopa County was being handled through early disposition, that he thought arraignments were a waste of time, that he had the authority to waive arraignments and that he planned to do so. He said that part of the proposal included having attorneys on each side with the full authority to settle cases. Judge Brutinel told the Board that in Maricopa County, 55% of the cases are settled through the early disposition court and that he had spoken with attorneys who told him they believed that 30% to 60% of the cases in Yavapai County could be settled by using the same process. He said he recognized that there would always be a certain number of cases that could not be resolved through early disposition, but that there were still opportunities following that phase for cases to be settled. Judge Brutinel told the Board that there would not be endless case management conferences and that the expectation was that there would be no more continuances of criminal trials in the County. He said he had asked the various departments involved in the criminal justice system what they would need in terms of resources to make the new process work, and that he was confident that each department was committed to making the process work. Judge Brutinel then reviewed the needs of the departments, saying that he was requesting a Judge Pro Tem and the requisite staff, along with a full-time interpreter. Chairman Davis asked what had happened with the dial-up interpreter services and whether those could be used. Ms. Schaefer said the court could often not use that service because of problems with legal language and vocabulary. Judge Brutinel said another problem was that the court often did not know until the defendant appeared whether there would be a language problem. He told the Board that currently there were 2.86 judges handling criminal cases and that if the Board would grant him the requested Judge Pro Tem he would increase the number of judges handling criminal cases to four. He noted that doing this would result in an increased workload on the judges who handle civil cases. Supervisor Brownlow

asked if the state would pick up the cost of the Judge Pro Tem. Ms. Schaefer responded that she believed it would be possible to obtain some grant funding for this year in order to get things started, and that there might also be some money available next year. Judge Brutinel told the Board he could not promise them that a faster criminal justice system would reduce the jail population, but that he could control how quickly criminal cases are processed and that his goal was to reach 60% over a 100-day period. There was brief discussion regarding standards set by the state for the number of judges and the percentage of cases expected to be settled. Judge Brutinel said he believed there were some things that the courts were required to do that they did not do particularly well and that domestic relations issues came to the top of the list. He said there were also more things considered to be crimes than there used to be. Chairman Davis asked whether the County should look at trying to do something legislatively next year. Judge Brutinel said perhaps that was a possibility, and that mandatory sentencing certainly was part of that issue. He said there was a time when the courts were in control of the system, but that this was no longer the case and that the courts needed to work smarter. He said he felt that with the proposed new system it would be possible to regain control of the system and maintain that control. Chairman Davis said his concern was the same as the concern he had for the Jail District. He said that more money was not the solution in that case and that he was not sure it was the solution in this case. He said the County was already above the standard requirement for judges and yet there were still problems, and that he was not sure that more money would fix things. Judge Brutinel said he agreed with at least part of what Chairman Davis said, but that for him the question was how to get from where we are to where we need to be. He said his question to the departments involved in the criminal justice system was "If I do this, what resources will you require?" He told the Board that those involved would take a shot at the new process no matter what the Board provided in the way of resources. Chairman Davis asked Judge Brutinel if he would be able to monitor the success of the new system. Judge Brutinel said yes, and that while he could not promise the Board that there would be a 90% case disposition rate he did believe it would be possible to reach 60%. He added that everyone involved appeared to want to cooperate and make things better. In response to a question from Chairman Davis, Judge Brutinel said he would be requesting that Adult Probation provide a report on defendants within 24 hours of arrest. He said that one of the biggest problems in the County was substance abuse and that it mostly involved methamphetamines and marijuana. He said that sometimes the only way a substance abuser could get clean was if they were kept in jail for a while and that one of the things he wanted Adult Probation to provide was a quick read on the nature of a person's substance abuse problem and a recommendation as to whether the person needed to be kept in jail or could be released to a treatment program or half-way house. Judge Markham told the Board that he was very much in favor of Judge Brutinel's proposal. He said that prior to his death the late Judge Robert Kuebler had asked for more County Attorney power at the Courthouse in order to settle cases, and that this would not only help to speed things up in the Superior Court but that it would also help at the justice court level. Ms. Polk told the Board that if misdemeanor cases could be handled it often helped to reduce the number of problems at the criminal level later on. She said she supported Judge Brutinel's proposal and that she believed all of the elected officials involved wanted to do something for the system. She said she believed that the proposal would allow for faster settlement of cases and that it would provide for a much better criminal justice system for the County. Chairman Davis said that the days of blowing in the Board's ear and expecting it to write out a check were over. He said that 72% of the County's property tax was used for law enforcement and the criminal justice system, and that while he believed in what the court was trying to accomplish the Board would have to take a hard look at the proposal to make sure it would really fix things. Sheriff Buchanan said he wanted to echo the comments of his colleagues, adding that if any one part of the system broke down it would affect everyone else. He said he did not want people in jail who did not need to be there, and that not having them in the jail would result in a great cost savings. Ms. Hicks said the process in her office was not as visible as some of the other departments, but that none of the work related to the criminal justice system would be done if the Clerk's office did not take care of the paperwork. She said that all of the work started and ended in her office, and that if the Board would fund the requests presented by Judge Brutinel she was committed to

making it work. Ms. Hicks said that according to state standards, she was currently understaffed by nine and one-half clerks and that in the proposal she was requesting only seven clerks. Chairman Davis said he would like to see an analysis of the functions of all the departments involved and how the County's system compares to systems in other counties. He said he did not want to just throw money at the problem and that what was needed was ideas and efficiencies. At Supervisor Brownlow's request, Mr. Holst reviewed information about the jail saying that in order to open the last few pods it would take 70 new detention officers. He said that figure was based on an estimated 600 people in the jail, but that he believed over the next year it would be possible to delay opening those last pods. He said that if the criminal justice system could work more efficiently, it would be possible to defer having to spend the almost \$2.5 million it would take to open those pods and that the discussion on this day was part of that process. He said if the Board could spend less than half of what it would take to open the last 240 beds it would be an investment to consider. Mr. Holst noted that last year there was also a freeze on new County positions, and that perhaps the Board could look at what was being proposed as part of a three-year program . He said that in his opinion, the discussion on this day was really an early request related to the budget process. Judge Brutinel said he recognized that it would be necessary to change the culture in the criminal justice system, and that he expected to have some shocked lawyers when they found out that they really did have to go to trial on the day the trial is set for. He said he welcomed the Board's scrutiny of the process. Chairman Davis said there were some cases that more employees just could not cure. Supervisor Street asked Mr. DeRienzo what he was asking for. Mr. DeRienzo replied that his office handled about 3,500 felony cases each year, and that when he had visited Maricopa County to find out how it did things he learned that one Public Defender in that county does 500 cases a year on his own. He said that if he could have two attorneys working in early disposition he could get 1,000 cases a year out of the system. Supervisor Street asked when the Board could expect to receive his report. Mr. DeRienzo replied that they would have it by the end of the week. Chairman Davis asked Judge Brutinel where he would house another Judge Pro Tem. Judge Brutinel responded that he would make room. He said he expected the Judge Pro Tem to be in the Verde Valley part of the time but that at some point he would need the space that Judge Markham was in. Judge Brutinel said that if the Board approved the proposal he would get things started right away and that he saw no reason to delay the process of an early disposition court. Supervisor Brownlow said that too often the Board gave in to groups like the Citizens Tax Committee and that as a result it had not given its departments the people they needed and that now the Board was looking at making up for those decisions. He said the Board would have to invest in order to make progress, that he liked Judge Brutinel's plan, and that if the criminal justice system did not produce with the new plan the Board could cut their budget next year. He said there was a certain percentage of people who sat in the jail for 30 to 90 days and ended up losing their jobs, their cars and their families as a result and that he did not believe it was the intent of the system to wreck people's lives. Judge Brutinel said he agreed that there were some people who did not need to be in jail, and that there were some things the criminal justice system could do to remedy that situation. He said that part of the problem was that things were changing in Yavapai County and the County needed to change the way it does business. There was general agreement to meet again for further discussion the second week of March.

ITEM NO. 2. Discussion and possible action regarding Capital Improvements building plan. Held in abeyance at meeting of February 2, 2004. Prescott Justice of the Peace Arthur Markham, Special Projects Coordinator Angelo Manera, Williamson Valley area resident Jim Buchanan, and Dewey area resident Tom Thurman participated in discussion of this item. Chairman Davis moved to accept the Capital Improvements building plan as presented, with the understanding that it could be adjusted in the future in order to continue moving forward with justice facilities in Prescott. Supervisor Brownlow seconded the motion, which carried by a 2-to-1 vote, with Chairman Davis and Supervisor Brownlow voting "Yes" and Supervisor Street voting "No."

Supervisor Brownlow briefly reviewed his plan for the jointly-owned County/City of Prescott site in the area of Prescott Lakes Parkway known as the "Sundog site." Judge Markham told the Board that the current situation of having a consolidated court for the

Prescott Justice Precinct and the City of Prescott worked well, and that in thinking about new facilities it would save money to have the same type of set-up. He added that there were also some efficiencies in having his court close to the Courthouse. Chairman Davis said he believed the long-term vision for the site was to have a justice complex. Mr. Holst said that at the last two meetings during which the Board had discussed capital improvements there had been some leaning toward building the new Fair Street building next and then doing the juvenile detention facility and the Verde Valley court services. He said he had looked at what the Board might do to move some projects forward and that the new schedule he was presenting proposed doing the Verde Valley court services facilities and juvenile detention as the first projects and then dealing with the Fair Street a few years later. He added that it would be important to keep a close eye on the ALTCS situation, saying that the County had received a letter from AHCCCS regarding its criteria for projections of Home and Community Based Services and that the letter indicated that if membership had flattened out in Yavapai County they would readdress their projections. Supervisor Street asked if it was possible that the County could be outbid by another firm for long term care services. She then asked if the proposed juvenile detention building was to be built at the Sundog site. Chairman Davis and Supervisor Brownlow both said yes. Mr. Holst said that one of the buildings would be a detention facility and the other an administrative facility. Supervisor Street asked how much that building would cost. Mr. Manera said it would depend on how sophisticated the building was. Mr. Holst mentioned that the hospital had the right of first refusal to purchase the existing juvenile detention facility and that it had indicated an interest in doing so and in working out an agreement similar to that which had been worked out for the Health Department building. There was brief discussion about the existing juvenile detention facility and how much it would bring, during which Mr. Holst said it would probably sell for a couple of million dollars. Mr. Manera said the number one priority was the juvenile jail and then the courts, and that the first project in would take the biggest hit in terms of providing access and infrastructure. Chairman Davis said that if the Board approved the new plan it would need to get with the City of Prescott to lock in the site and then get someone working on master planning. He asked if it would be possible to consider moving forward with building out the Sundog site after 2005-2006. Mr. Holst said he would want to look at master planning the entire area, and that what he hoped to establish on this day was a first step so in order to obtain more detailed estimates and several different options for how to lay out the property. Chairman Davis asked if the Board could begin remodeling of the existing Fair Street building in the 2003-2004 budget and also begin the design for the Verde Valley courts and for juvenile detention. Mr. Holst said it would be possible to get estimates for building costs on the juvenile detention facility. Mr. Manera said there was still a need for some master planning in the Verde Valley, and that the programming involved in that process was what would tell the Board what really needed to be built. He said that for \$100,000 the Board could get factual information about what was really needed. Mr. Holst said that if the Board approved the plan on this day he and Mr. Manera would bring back to the Board some proposals on what specific work to do next. Mr. Manera added that they could do that within 30 days. Mr. Holst said he also needed to obtain some information from the City of Prescott regarding what type of infrastructure they installed as part of the Prescott Lakes Parkway project. In response to a question from Supervisor Street, Mr. Manera said the cost estimates listed in the plan were really more guesstimates and that 10% of the costs were not for construction but for professional services. Supervisor Street asked Mr. Manera if that meant that he could not say what the Fair Street Building would cost. Mr. Manera said that was correct. There was brief discussion about Rodeo Drive and whether it would eventually be put in and, if so, how wide it would be. Supervisor Street said she was very concerned about money and where the Board would get the money to fund all of the capital improvement requests. She said that if the juvenile detention center was what the County was going to build, then the Board should focus on getting it built. She said she did not know that the Board had ever talked about how big the Verde Valley justice court had to be. Chairman Davis said it would be 35,000 square feet. Supervisor Street asked what that figure was based on. Mr. Holst said it was a rough estimate based on moving a number of departments into the building, and that it would basically be a consolidation of services from four different buildings. Supervisor Street asked if Chairman Davis and Supervisor Brownlow felt the plan provided by Mr.

Holst on this day was a priority for them and something they did not feel they could live without. Chairman Davis said he believed the plan represented money well spent because it would help take care of some of the court issues discussed earlier on this day. He said that was the reason he would also like to continue working on a new Prescott justice facility. Supervisor Brownlow said he thought the County should immediately start remodeling the existing Fair Street building to make additional room for the Assessor, that it should immediately approach the City of Prescott about the Sundog site, and immediately start studying the justice facility in the Verde Valley. He said there were no plans to do anything to the rodeo grounds, and that he thought the project to bring on line first was the Verde Valley justice facility so that transport of prisoners could be reduced, and that the Board did need to approve another Judge Pro Tem position. He said he thought it would be alright to leave the Juvenile Probation staff at its current location. Mr. Buchanan asked if approval of the Capital Improvements building plan meant that the Fair Street building would be constructed. Supervisor Brownlow said that project would be moved to the 2006-2007 fiscal year. Mr. Buchanan asked if it was correct that the plan did not include building a new jail facility in western Yavapai County. Mr. Holst said that was correct, that the plan called for securing the site.

ITEM NO. 3. Update on proposed underground utilities district in Williamson Valley. The following persons participated in discussion of this item: Skip Reid, representing the Williamson Valley Alliance for Underground Electric; Arizona Public Service Northwest Division Manager Daniel Froetscher; Arizona Public Service Northwest Division Community Relations Manager Mike Johnsen; Williamson Valley Concerned Citizens representative Gary Acosta.

Ms. Staddon presented a brief update on the general plan, cost estimates for the project, a draft proposed timeline and amended boundaries. She said at this time, there were 2,237 parcels in the proposed district and 20,188 acres involved. Ms. Staddon expressed concern regarding holding an election at the same time as the General Election saying the Election Department was not in favor of holding an election for this district in conjunction with either the September Primary or the November General Election. Chairman Davis asked if the proposed plan could be done as a County special improvement district. Mr. Schurr spoke of the statutes for the municipal district and County improvement district saying that the statutes could not be mixed and that each was a separate process. He said that APS would have contracts and that the statutes should not be circumvented. Ms. Staddon pointed out that the County would not have to use the consolidated election dates for this project. Mr. Johnsen with APS spoke briefly of their schedule and timelines for the proposed electrical route. Mr. Reid spoke of the state statutes regarding municipal districts compared to the County's improvement district and said he was shocked and dismayed over the time involved for the municipal district and reading the statutes, he said he felt the County could do the improvement district. Mr. Acosta asked about creating a County improvement district. Mr. Schurr said the statutes for the County improvement district does not cover underground power lines or reconstructing them. Supervisor Brownlow asked who would be responsible for the posting every 300 feet and the cost associated with the posting. Mr. Schurr said the County and volunteers could post the signs but the County would bear the cost of the postings. Mr. Froetscher spoke of the County's proposed timeline and said a post November election would cause a hardship for them. He said they were looking at overhead lines by March of 2005. Ms. Staddon said that the County would have to know the underground route for the petitions if this project were formed under a County improvement district. Supervisor Brownlow asked who would be responsible for the costs whether the project passed or not. Mr. Schurr said if the project were a County improvement district then there would be a bond required and the district would be responsible for the costs. Mr. Froetscher said if the process was successful, then APS would front the cost and then would be reimbursed by the County. He said that they could look at going ahead and putting the lines up over head and later burying them and that individuals needed to be careful with quick assessments of costs.

ITEM NO. 4. Discussion and possible action regarding various County-owned properties and whether to retain them or dispose of them. Public Works Director Richard Straub and Assistant Public Works

Director Phil Bourdon participated in discussion of this item. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, and with no comments from the public, the Board voted unanimously to approve updating the appraisal on the "Larry Caldwell" parcel and putting it on the market. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, and with no comments from the public, the Board voted unanimously to approve obtaining an appraisal on the "Side Road" parcel and putting it on the market. Upon a motion by Supervisor Brownlow, seconded by Chairman Davis, and with no comments from the public, the Board voted unanimously to approve obtaining an appraisal on the "Viewpoint Drive" parcels.

There being no further business to discuss, the meeting was adjourned.

ATTEST:

\_\_\_\_\_ Clerk \_\_\_\_\_ Chairman